

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**RAMADA WORLDWIDE INC.,**

**Plaintiff,**

**v.**

**PORTFOLIO-MACON LLC, CHARLES  
MORAIS, and SUNIL MIR,**

**Defendants.**

08-CV-3763 (WJM)

**ORDER**

This matter having come before the Court on Plaintiff's Motion to Vacate the Order Dated November 25, 2008 which dismissed the Complaint as to Defendants Morais and Mir (the "Individual Defendants"), to Restore Plaintiff's Complaint as to the Individual Defendants, and to Enter Default against the Individual Defendants; Plaintiff having been given 120 days from the filing of its complaint to serve the Individual Defendants with summonses and complaints, in accordance with Fed. R. Civ. P. 4(m); the Court having found that Plaintiff was given ample notice of the expiry of the 120 day period and that its Complaint was scheduled for dismissal pursuant to Fed. R. Civ. P. 4(m) unless proof of service was provided; proof of service having not been provided; no good cause for Plaintiff's delay appearing; and no circumstances warranting the entry of default having been shown, as the Individual Defendants were never properly served,

**IT IS** on the 8<sup>th</sup> of April 2009, hereby

**ORDERED** that Plaintiff's motion to vacate the order of dismissal and restore the complaint is **DENIED**. The Complaint was denied without prejudice, however, so

Plaintiff may refile if it elects to do so.

**IT IS FURTHER ORDERED** that Plaintiff's motion for the entry of default against the Individual Defendants is **DENIED**.

/s/ William J. Martini  
**WILLIAM J. MARTINI, U.S.D.J.**